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16 Attorneys for Plaintiff

17 UNITED STATES DISTRICT COURT
18 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

19 JUAN PABLO RAMIREZ PELAYO,
20 individually, and on behalf of all others similarly
21 situated,

22 *Plaintiff,*

23 v.

24 NATIONS ROOF WEST, LLC, a Delaware
25 limited liability company; and DOES 1 through
26 10, inclusive,

27 *Defendants.*

Case No.: 1:23-CV-00948-KES-EPG

**JOINT STIPULATION TO REMAND
REMOVED ACTION; ORDER THERON**

1 Plaintiff JUAN PABLO RAMIREZ PELAYO (“Plaintiff”) and Defendant NATIONS
2 ROOF WEST, (“Defendant”) (Plaintiff and Defendant are herein collectively referred to as the
3 “Parties”), by and through their respective counsel of record, hereby enter into this stipulation to
4 Remand the Removed Action below with reference to the following facts:

5 WHEREAS, on April 3, 2023, Plaintiff initially filed the above entitled putative class action
6 complaint in Fresno Superior Court, Case No. 23CECG01236 (“Action”), alleging California
7 Labor Code violations and unfair business practices stemming from Defendant’s failure to pay for
8 all hours worked (minimum, straight time, and overtime wages), failure to provide meal periods,
9 failure to authorize and permit rest periods, failure to timely pay final wages, failure to furnish
10 accurate wage statements, and failure to indemnify employees for expenditures;

11 WHEREAS, on March 31, 2023, Plaintiff provided notice to Defendant and the California
12 Labor & Workforce Development Agency (“LWDA”) regarding Plaintiff’s intent to pursue a
13 California Labor Code Private attorney’s General Act (“PAGA”) representative action;

14 WHEREAS, on June 23, 2023, Defendant Removed this action under 28 U.S.C. 1441(b)
15 [Federal Question Jurisdiction] from the Superior Court State of California, County of Fresno to
16 the United States District Court for the Eastern District of California, Fresno Division;

17 WHEREAS, on July 25, 2023, Plaintiff filed a First Amended Complaint (“FAC”).

18 WHEREAS, on August 24, 2023, Defendant filed its Answer to the FAC.

19 WHEREAS, after further discussion, the Parties have agreed that the Action should be
20 remanded to Fresno County Superior Court.

21 Therefore, the Parties, by and through their undersigned counsel of record, hereby
22 stipulate and agree as follows:

- 23 1. The Action shall be remanded to Fresno County Superior Court.
- 24 2. Each party shall bear its own attorneys’ fees and costs with respect to the removal and
25 subsequent remand of the Action pursuant to this stipulation and order.
- 26

27 **IT IS SO STIPULATED**

28

Respectfully submitted,

Dated: May 23, 2024

WILSHIRE LAW FIRM

/s/ Diego Aviles

By: _____

John G. Yslas

Diego Aviles

Harry Erganyan

Mariam M. Nazaretyan

John Brown

Attorneys for Plaintiff

Dated: May23, 2024

McCormick, Barstow, Sheppard, Wayte & Carruth LLP

/s/ Christina Cusimano

By: _____

Christina Cusimano

Attorneys for Defendant

ORDER

Having considered the parties' stipulation to remand (Doc. 25), and good cause appearing, the Court GRANTS the parties' stipulation and orders:

1. This Action is remanded to Fresno County Superior Court; and
2. Each party shall bear its own attorneys' fees and costs with respect to the removal and subsequent remand of the Action pursuant to this stipulation and order.

IT IS SO ORDERED.

Dated: May 24, 2024



UNITED STATES DISTRICT JUDGE